

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BARO-400 PCT	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> FOR FURTHER ACTION </div> <div> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. </div> </div>	
International application No. PCT/US 03/33606	International filing date (day/month/year) 24/10/2003	(Earliest) Priority Date (day/month/year) 16/01/2003
Applicant BAROSENSE, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

8d

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 03/33606

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

Described herein is a positioning tool (10) having an elongate portion for carrying a medical implant (2). Also described is a method of positioning a medical implant using an elongate positioning tool. One form of the method includes positioning a medical implant on a distal portion of an elongate positioning tool, inserting the positioning tool with the implant thereon into a body cavity, manipulating the positioning tool to position the implant into contact with tissue at an attachment location, attaching the implant to surrounding tissue at the attachment location, separating the implant from the positioning tool, and withdrawing the positioning tool from the body. In a preferred embodiment, the position of the implant is visually confirmed using an endoscope before the implant is attached to surrounding tissue. In one embodiment, the implant is a satiation device and the body cavity is the esophagus and/or stomach. In an alternative embodiment, an expansion structure (17) on the distal end of the elongate portion expands and/or contracts the medical implant to facilitate positioning.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/33606

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61F2/06 A61F5/00 A61F2/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 254 642 B1 (TAYLOR THOMAS V) 3 July 2001 (2001-07-03)	28-30, 34, 38-40, 44, 48-54
Y	figures 4A, 4B figures 6A-6E	31-33, 35-37, 41-43, 45-47
Y	US 2002/099439 A1 (SCHWARTZ ROBERT S ET AL) 25 July 2002 (2002-07-25) paragraphs '0065!, '0068! figures 14, 15	31-33, 41-43



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

10 March 2004

Date of mailing of the international search report

29/03/2004

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/33606

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2001/021796 A1 (SILVERMAN DAVID E ET AL) 13 September 2001 (2001-09-13) figure 7 paragraphs '0074!-'0076! ----	35-37, 45-47
A	US 5 749 918 A (HOGENDIJK MICHAEL ET AL) 12 May 1998 (1998-05-12) figures 6A,6B ----	31-33, 41-43
A	US 5 709 657 A (ZIMMON DAVID S) 20 January 1998 (1998-01-20) the whole document -----	28-54

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 03/33606

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-27
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/33606

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6254642	B1	03-07-2001	US 2001020189 A1	06-09-2001
			US 2001020190 A1	06-09-2001

US 2002099439	A1	25-07-2002	AU 9644201 A	08-04-2002
			WO 0226168 A2	04-04-2002

US 2001021796	A1	13-09-2001	US 6238335 B1	29-05-2001
			US 2003199731 A1	23-10-2003
			AU 2358200 A	26-06-2000
			CA 2353970 A1	15-06-2000
			EP 1137454 A1	04-10-2001
			JP 2002531228 T	24-09-2002
			WO 0033908 A1	15-06-2000
			US 6251063 B1	26-06-2001
			US 6248058 B1	19-06-2001
			US 2003149335 A1	07-08-2003
			US 2003171645 A1	11-09-2003
			US 6234955 B1	22-05-2001
			US 6251064 B1	26-06-2001
			US 2003199730 A1	23-10-2003
			US 2004010182 A1	15-01-2004
			US 2001018548 A1	30-08-2001
			US 2002028979 A1	07-03-2002
			US 2001031910 A1	18-10-2001
			US 2002019579 A1	14-02-2002

US 5749918	A	12-05-1998	NONE	

US 5709657	A	20-01-1998	US 5308326 A	03-05-1994
			US 5653240 A	05-08-1997
			AT 129875 T	15-11-1995
			AU 5207393 A	03-02-1994
			AU 640675 B2	02-09-1993
			AU 6054490 A	06-02-1991
			CA 2063256 A1	29-12-1990
			DE 69023515 D1	14-12-1995
			DE 69023515 T2	04-04-1996
			DK 574378 T3	11-03-1996
			EP 0574378 A1	22-12-1993
			ES 2081372 T3	01-03-1996
			JP 2935565 B2	16-08-1999
			JP 4506311 T	05-11-1992
			WO 9100752 A1	24-01-1991